REMARKS

Claims 1-21 are pending. Claims 1, 8 and 15 are amended herein. No new matter is added as a result of the claim amendments.

103 Rejections

Claims 1 and 3-21

According to the most recent Office Action (the Advisory Action mailed July 12, 2004), Claims 1 and 3-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagin (U.S. Patent No. 6,560,660) in view of Patterson (U.S. Patent Application Publication No. 2003/0154233). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1 and 3-21 is not shown or suggested by Flanagin and Patterson, alone or in combination.

In general, embodiments of the present claimed invention pertain to a first application that is using a resource, and a second application that requests use of the same resource. According to the present claimed invention, the first application is notified of the second (e.g., requesting) application's request, and can yield the resource to the second application.

Applicants understand Flanagin to teach that a first application can gain exclusive use of a serial port. Applicants also understand Flanagin to teach that the first application can be notified of "certain aspects" through the use of callback functions. Notably, Flanagin does not disclose that the first application is notified of a request from a second application for the serial port. In fact, according to Flanagin, it is only after the first

application releases the serial port can a second application request use of the serial port (see column 3, lines 47-67, of Flanagin).

Applicants understand Patterson to teach that a second (requesting) application is notified whether a requested resource is in use or not. Notably, the second application is notified by a dispatcher, not by the application that is using the resource (e.g., the first application).

Therefore, in combination, Flanagin and Patterson only appear to teach: a first application that is using a resource (e.g., a serial port), and a second application that is notified whether the serial port is in use or not. Applicants respectfully submit that Flanagin and Patterson (alone or in combination) do not show or suggest the first application being notified of a request from another application for the serial port, nor do Flanagin and Patterson (alone or in combination) show or suggest the first application responding to the request from the second application. In other words, Flanagin and Patterson (alone or in combination) do not show or suggest the first application and the second application communicating with each other in any manner, and specifically via a callback instruction. According to both Flanagin and Patterson, there is no showing or suggestion that the first application is even aware of the second application.

Furthermore, Applicants respectfully submit that Flanagin and Patterson (alone or in combination) do not show or suggest the first application yielding the serial port to the second application, even if the first application is somehow made aware of the request from the second

application. According to Flanagin and Patterson, there is no showing or suggestion that the first application can yield to the second application.

Specifically, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, do not show or suggest a method comprising "a) registering a callback instruction for a first application that is using said hardware resource; b) invoking said callback instruction automatically in response to a request from a second application for the same said hardware resource, wherein said callback instruction notifies said first application of said request; and c) yielding said hardware resource to said second application provided said first application grants said request" as recited in independent Claim 1. Claims 3-7 are dependent on Claim 1 and recite additional limitations.

Also, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, do not show or suggest a method comprising "b) receiving a request for the same said serial port from a second application; c) invoking said callback instruction automatically in response to said request from said second application, wherein said invoking comprises: c1) sending notice to said first application of said request; and c2) receiving from said first application a response to said notice; and d) yielding the same said serial port to said second application provided said response from said first application" as recited in independent Claim 8. Claims 9-14 are dependent on Claim 8 and recite additional limitations.

Furthermore, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, do not show or suggest a portable computer system implementing a method comprising "b) receiving a request for the same said serial port from a second application; c) invoking said callback instruction in response to said request from said second application, wherein said invoking comprises: c1) sending notice to said first application of said request; and c2) receiving from said first application a response to said notice; and d) yielding said serial port to said second application" as recited in independent Claim 15. Claims 16-21 are dependent on Claim 15 and recite additional limitations.

In summary, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, do not show or suggest the present claimed invention as recited by independent Claims 1, 8 and 15, and that Claims 1, 8 and 15 are therefore in condition for allowance. As such, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, also do not show or suggest the additional claimed features of the present invention recited in Claims 3-7, 9-14 and 16-21 dependent on Claims 1, 8 and 15, and that Claims 3-7, 9-14 and 16-21 are in condition for allowance as being dependent on allowable base claims. Therefore, the Applicants respectfully assert that the basis for rejecting Claims 1 and 3-21 under 35 U.S.C. § 103(a) is traversed.

Also, with regard to Claims 3, 9 and 16, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, do not show or suggest "registering said first application as a passive application."

While Flanagin appears to mention that an application can run in the background, Flanagin (alone or in combination with Patterson) does not show or suggest the explicit act of registering such an application as a passive application, as recited in Claims 3, 9 and 16. For this additional reason, Applicants respectfully assert that the basis for rejecting Claims 3, 9 and 16 under 35 U.S.C. § 103(a) is traversed. Applicants respectfully note that in the most recent Office Action (the Advisory Action mailed July 12, 2004), the Examiner did not provide a response to this argument.

Claim 2

According to the most recent Office Action (the Advisory Action mailed July 12, 2004), Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanagin in view of Patterson and further in view of Admitted Prior Art (APA). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claim 2 is not shown or suggested by Flanagin, Patterson and APA, alone or in combination.

As presented above, Applicants respectfully submit that Flanagin and Patterson, alone or in combination, do not show or suggest the present claimed invention as recited by independent Claim 1. Claim 2 is dependent on Claim 1 and recites additional limitations.

Applicants respectfully submit that APA, alone or in combination with Flanagin and Patterson, does not show or suggest the present invention as recited by Claim 1. Specifically, Applicants respectfully

submit that APA, alone or in combination with Flanagin and Patterson, does not show or suggest a method comprising "a) registering a callback instruction for a first application that is using said hardware resource; b) invoking said callback instruction automatically in response to a request from a second application for the same said hardware resource, wherein said callback instruction notifies said first application of said request; and c) yielding said hardware resource to said second application provided said first application grants said request" as recited in independent Claim 1.

Because the combination of Flanagin, Patterson and APA does not show or suggest the present invention as recited in Claim 1, Applicants respectfully submit that the combination of Flanagin, Patterson and APA also does not show or suggest the additional claimed features of the present invention recited in Claim 2 dependent on Claim 1. Therefore, the Applicants respectfully assert that the basis for rejecting Claim 2 under 35 U.S.C. § 103(a) is traversed.
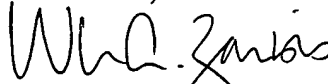
Conclusions

In light of the above remarks, the Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, the Applicants respectfully assert that Claims 1-21 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

William A. Zarbis
Reg. No. 46,120

Date: 8|13|04

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060